## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## MULTIPLE WAVELENGTH SPECTROMETER

The specific	ation of which			
(check	X is attached hereto			
one)	was filed on	as		
,	Application Serial No			
	and was amended on			
		licable)		
	ereby state that I have reviewed and und e claims, as amended by any amendmen		-identified speci	fication,
	eknowledge the duty to disclose informate with Title 37, Code of Federal Regula		mination of this	application
	ereby claim the benefit under Title 35, Us) as listed below:	Jnited States Code, §119(e) of an	y United States <sub>I</sub>	provisional
Provisional	Application No.	filed on	<del> </del>	
application(	ereby claim foreign priority benefits und s) for patent or inventor's certificate liste for patent or inventor's certificate having aimed:	ed below and have also identified	below any forei	gn
Prior Foreig	n Application(s)		PriorityClair	ned
(Numbe	(Country)	(Day/Month/Year Filed)	Yes	No
listed below prior United §112, I ackr Regulations internationa	ereby claim the benefit under Title 35, U and, insofar as the subject matter of each States application in the manner provide owledge the duty to disclose material in §1.56(a) which occurred between the filling date of this application:	ch of the claims of this application led by the first paragraph of Title aformation as defined in Title 37, along date of the prior application	n is not disclosed 35, United State Code of Federal	d in the es Code
10/100,298	March 18, 2002	Pending		<del></del> .
(Application	n Serial No.) (Filing Da	te) Status (pater	nted, pending, al	andoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith BRIAN N. TUFTE (Reg. No. 38,638), JOHN G. SHUDY, JR. (Reg. No. 31,214), JAMES RODGERS (Reg. No. 48,306), MARK SCHROEDER (Reg. No. 53,566), J. SCOT WICKEM (Reg. No. 41,376), GLENN SEAGER (Reg. No. 36,926), DAVID CROMPTON (Reg. No. 36,772), KRIS T. FREDRICK (Reg. No. 42,554), MATTHEW LUXTON (Reg. No. 41,960) and GREG ANSEMS (Reg. No. 42,264). Address all telephone calls to KRIS T. FREDRICK at telephone number (763) 954 -5388.

Address all c rrespondence to KRIS T. FREDRICK at Customer Number 000128.

## Declaration and Power of Attorney H0004815-0760 (1100.1227101)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor	Barrett E. Cole		
Inventor's Signature		Date	, 2003
Residence	Bloomington, Hennepin County		
Citizenship	US		
Post Office Address	3010 W. 112th Street		
	Bloomington, Minnesota 55431		

\*Title 37, Code of Federal Regulations §1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.